

VZCZCXRO8883
RR RUEHRG
DE RUEHSO #0602/01 2861824
ZNR UUUUU ZZH
R 131824Z OCT 09
FM AMCONSUL SAO PAULO
TO RUEHC/SECSTATE WASHDC 9682
INFO RUEHBR/AMEMBASSY BRASILIA 0814
RUEHRG/AMCONSUL RECIFE 4439
RUEHRI/AMCONSUL RIO DE JANEIRO 9280
RUEHBU/AMEMBASSY BUENOS AIRES 3665
RUEHAC/AMEMBASSY ASUNCION 0050
RUEHMN/AMEMBASSY MONTEVIDEO 2977
RUEHSG/AMEMBASSY SANTIAGO 0048
RUEHLP/AMEMBASSY LA PAZ 4157

UNCLAS SECTION 01 OF 03 SAO PAULO 000602

SIPDIS

STATE FOR WHA/BSC, DRL, INR/IAA, INR/R/AA
USAID FOR LAC/AA

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [SOCI](#) [SCUL](#) [PREL](#) [BR](#)

SUBJECT: SAO PAULO EXPERTS DETAIL CONTINUING HUMAN RIGHTS
CHALLENGES

REF: (A) 09 SAO PAULO 309 (B) 09 SAO PAULO 182 (C) 08 SAO PAULO 119

¶11. (U) Summary: Forced labor, lack of land titles, Trafficking in Persons (TIP), the pace of justice and poor prison conditions emerged as recurring themes in an extensive round of recent meetings with Sao Paulo (SP) human rights experts. While contacts cited improvements --a rise in the number of anti-discrimination lawsuits, efforts to promote sustainable mining, and SP state-level judges' response to anti-TIP training -- they also underscored continuing challenges in Brazil's human rights situation. In particular, they cited the confluence of environmental damage and forced labor in the Amazon, Cerrado and Pantanal and discrimination against Afro-Brazilians. End summary.

¶12. (U) Brasilia Laboff and Sao Paulo Poloff met with the following NGO representatives from the Sao Paulo human rights community from September 30 to October 2: Leonardo Sakamoto, Reporter Brazil (RB, anti-forced labor); Damiani Mistier, ETHOS (corporate social responsibility); Amarillo Bolito, Social Observatory (OS, forced labor); Daniela Perutti, Pro-Indigenous Commission (CPI); Heidi Ann Cerneka, National Prison Ministry (NPC); Analia Ribeiro, Sao Paulo State anti-TIP Office; Marco Antonio Zito Alvarenga, Brazilian Bar Association's Afro-Brazilian and Anti-Discriminatory Issues Commission (CONAD); Priscilla Siqueira, Service for Marginalized Women (SMM, anti-TIP), and Marcos Fuchs of Conectas (a general human rights NGO that focuses on access to justice and prison conditions). The meetings provided some encouraging news as well as an overview of serious ongoing concerns in the human rights community.

RURAL HOTSPOTS: DEFORESTATION/FORCED LABOR GO HAND IN HAND

¶13. (U) Clashes between indigenous communities, locals and agribusiness continue in Brazil's interior, particularly in the Amazon (in the states of Amazonas and Para), Cerrado(Mato Grosso, Tocantins, Piaui) and the Pantanal(Mato Grosso and Mato Grosso do Sul), according to Pro-Indigenous and Reporter Brazil reps (Ref A). Baixo Xingu in Para state, for example, ranks first in Labor Ministry releases of workers from "slave-like conditions" in agriculture, according to Reporter Brazil's Leonardo Sakamoto.

A MULTI-STAGE PROCESS

¶14. (U) Both Reporter Brazil and Pro-Indigenous representatives described how deforestation and forced labor go hand-in-hand, laying the conditions for exploitation of unsettled rural regions. First, big agriculturalists bring in forced labor to cut down the forest and plant soy and rice. This "softens up" the land for later use as pasture for cattle ranching. In response to this challenge,

Pro-Indigenous has launched educational campaigns in indigenous and Afro-Brazilian (quilombo) communities to teach them to not only how to cope with environmental changes, such as erratic rainfall, but also how steps they can take to prevent further damage from deforestation.

RUMBLINGS IN THE AUTO SECTOR AND BAD NEWS IN BAUXITE

15. (U) Contacts told Laboff and Poloff that forced labor remains a problem in two other areas: the auto manufacturing supply chain and aluminum mining. Child labor is frequently used in the production of charcoal, used to make pig iron, according to RB's Sakamoto and Social Observatory's Amarildo Dudu Bolito. NGO leaders complain that the auto industry is "in denial" about this issue. Sakamoto said he had raised this question with U.S. auto manufacturers (Ford, General Motors, and Chrysler) during a recent visit to the United States. They referred him to Brazilian authorities, who did not respond. Only Mercedes Benz has shown a willingness to address the issue, according to Bolito. Forced labor also occurs in bauxite mining in Para and Maranhao states, according to OS. Some companies are reexamining their practices. Bolito said that the Alcoa-owned Juruti mine in Para, for example, has led in promoting sustainable mining that minimizes environmental damage.

DOUBLE WHAMMY: LAND TITLES/TIP AND AFRO-BRAZILIANS

16. (U) According to CPI's Daniela Perutti, Brazil hosts roughly two thousand quilombo (Afro-descendants of escaped slaves known in the U.S. as maroon) communities who find their greatest challenge in the lack of documentation for their lands. Clear property titles are often these communities' first step in receiving public services

SAO PAULO 00000602 002 OF 003

(electricity, education, health centers). Brazilian law recognizes the quilombolos' (as inhabitants are known) rights to obtain legal title to their land holdings by working through the National Institute of Colonization and Agrarian Reform (INCRA). Despite this, many communities still have not gotten either federal or state land titles. At the same time, agricultural interests, like the Landowners Movement (Movimento com Terra) backed by Senator Valdir Collato from Santa Catarina, have vigorously challenged the quilombos' land claims.

17. (U) Due to their poverty, CPI told Laboff and Poloff, that quilombo communities are also targets for human traffickers. Maroon women and girls are trafficked and prostituted inside Brazil. Both NGOs and the government have been attempting to reduce the amount of child prostitution on the highways between Sao Paulo and Curitiba where forty thousand vehicles pass daily.

18. (U) Despite unequal access to employment, education, legal and health services, several NGOs cited the increased number of anti-discrimination lawsuits brought against businesses in labor courts as a key area of progress on race issues. According to Mistieri of ETHOS and Marco Antonio Zito Alvarenga of CONAD, there were only nine such lawsuits between 1951 and 1996, but now 356 such cases are pending, including cases of religious discrimination.

TIP: LEGAL TRAINING/ EDUCATION

19. (U) Brazil still needs specific anti-TIP legislation, according to Analia Ribeiro of SP State's anti-TIP office. Nonetheless, recent changes to the penal code (which raise fines for forced labor violators, define victims more broadly and recognize trafficking within Brazil as a crime) make the offense easier to prosecute. Anti-TIP activists are pushing a draft TIP law they hope to present to Congress. In the meantime, Sao Paulo State's TIP office has focused on training judges. Ribeiro noted that the state judges are more willing to prosecute TIP cases under existing law than their federal counterparts, who believe that the law is currently too vague to have a successful prosecution.

19. (U) Meanwhile, the NGO community is using public education to fight TIP. SMM works with academia, state/federal government and other NGOs to design strategies for TIP-prevention campaigns. According to SMM's Siqueira, 83 percent of trafficking victims from

Brazil are female (the majority of African descent) and 80 percent are trafficked for sexual exploitation. Brazil is also a destination country for trafficked women and girls from Bolivia, Peru, Paraguay and Korea. Many foreign female workers who find employment in the garment industry of Sao Paulo are also often sexually exploited.

JUSTICE DELAYS, HORRIFIC PRISON CONDITIONS

¶10. (U) Contacts underscored that the right to a speedy trial does not exist for many Brazilians. In cases of "minor crimes" like low-level drug trafficking, petty theft and robbery, the accused are held an average of three months before going before a judge, according to Conectas' Marcus Fuchs. For homicides, they can be held up to three years. Heidi Ann Cerneka of the National Prison Ministry (NPC) stated that the problem is exacerbated by the fact that many impoverished Brazilians cannot get legal assistance. Conectas runs a program to link accused persons with lawyers. In addition, the group is working to foster a pro-bono culture among Brazilian lawyers, who generally do not embrace the concept of offering free services. Finally, both Fuchs and Cerneka complained that almost all of Brazil's prisons and jails are overcrowded and substandard, with inadequate provisions for hygiene, medical attention or rehabilitation. Both experts cited Espirito Santo, Rio Grande do Sul and Rondonia as states with the worst facilities.

COMMENT: SOME PROGRESS BUT SIGNIFICANT HURDLES REMAIN

¶11. (U) Many Brazilians still suffer from a variety of human rights-related problems. The Amazon, Cerrado and Pantanal, where deforestation and forced labor dovetail as part of a tug-of-war between local populations and agribusiness, are a particular concern. In addition, Afro-Brazilians face multiple challenges. The experts cited them as victims in every kind of exploitation discussed (forced labor, lack of land titles, TIP, poor access to legal assistance, etc.), a fact that only underscores the importance

SAO PAULO 00000602 003 OF 003

of the U.S.-Brazil Joint Action Plan for the Elimination of Racism (JAPER). Contacts overwhelmingly agreed it will take a combination of targeted government action, civil society engagement, and shifts in cultural attitudes to address Brazil's most serious lapses in human rights.

¶12. (U) This cable was coordinated/cleared by Embassy Brasilia.

WHITE